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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,539	01/08/2002	Manh-Quan Tam Nguyen	END920010064US1	5544
7590	02/15/2006			
Richard L. Catania., Esq. Scully, Scott, Murphy & Presser 400 Garden City Plaza Garden City, NY 11530			EXAMINER PALADINI, ALBERT WILLIAM	
			ART UNIT 2125	PAPER NUMBER

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/042,539	Applicant(s) NGUYEN, MANH-QUAN TAM	
	Examiner Albert W. Paladini	Art Unit 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-11 and 13-20 is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/8/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the 35 USC, first paragraph rejection, the single means rejection for claim 11, the 35 USC paragraph rejection for claim 5, and the 35 USC 102 rejection have been withdrawn due to the amendments and persuasive arguments and explanations provided in the Applicant's amendment filed on November 15, 2005. These rejections are herewith withdrawn. Applicant's arguments are not persuasive for the 35 USC second paragraph rejection of claim 1.

Office Action Summary

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01.

Claim 1

The objective recites "A method of creating a mathematical model for determining at least one work location in a multi-layered panel". There are no steps, which recite how this model is created. The claim recites, "said mathematical model employs an algorithm which considers" a number of factors followed by a recitation of what the algorithm is purported to accomplish. There are no actual sequential, logical

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steps, which recite how the mathematical model is created. The recitation is a narrative, which explains that some type of mathematical algorithm is employed, and that by somehow considering factors such as "rotation", "shrinkage", "stretching"; the algorithm facilitates: "accurate prediction of the work location".

Allowable Subject Matter

4. Claims 5-11 and 13-20 are allowed.
5. The following is an examiner's statement of reasons for allowance: None of the references cited or the art searched disclose or teach the limitations explained in the Applicant's response on pages 12 and 13.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Applicant's Arguments

6. The Applicant's response to the 35 USC rejection on page 13 states:

"Moreover, with regards to the claims, wherein the Examiner has rejected Claims 1-4 under 35 USC § 112, second paragraph, all of the essential steps have been fully set forth in the claims and are supported in the amended specification, as presented herein."

This is considered non-responsive, since it does not explain how the claim recites steps or methodology to create a mathematical model. On lines 1-3, claim 1 recites "A method of creating a mathematical model for determining at least one work location in a multi-layered panel, wherein said mathematical model employs and algorithm considering translational and rotational compensations caused by panel shrinkage". The claim does not recite steps or methodology to create a model, but this recitation of the first step explains that the model employs an algorithm, which performs certain functions. Since the first limitation recites that the model employs an algorithm, the model must already be in existence. Nowhere, does the claim recite steps or methodology for actually "creating a mathematical model."

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

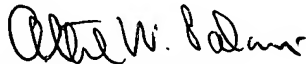
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communication from the examiner should be direct to Albert W. Paladini whose telephone number is (571) 272-3748. The examiner can normally be reached from 7:00 to 3:00 PM on Monday, Tuesday, Thursday, and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Leo P. Picard, can be reached on (571) 272-3749. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

February 9, 2006


Albert W. Paladini
Primary Examiner
Art Unit 2125